

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

JOSH DONLEY,

Plaintiff,

vs.

BENTON COUNTY
CORRECTIONS MEDICAL
SYSTEM,

Defendant.

NO. CV-10-5044-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION, DENYING
APPLICATION TO PROCEED *IN FORMA*
PAUPERIS AND DISMISSING ACTION

Magistrate Judge Imbrogno filed a Report and Recommendation on May 25, 2010, recommending Mr. Donely's application to proceed *in forma pauperis* be denied and the action dismissed without prejudice as this action appeared to be duplicative of cause number CV-10-5043-CI and Mr. Donley had abandoned it. There being no objections, the court **ADOPTS** the Report and Recommendation. The Application to Proceed *In Forma Pauperis* is **DENIED** and the action is **DISMISSED WITHOUT PREJUDICE**

IT IS SO ORDERED. The District Court Executive is directed to enter this Order, enter judgment, forward copies to Plaintiff and **close the file**. The court certifies any appeal of this dismissal would not be taken in good faith.

DATED this 15th day of June 2010.

s/Robert H. Whaley
ROBERT H. WHALEY
UNITED STATES DISTRICT JUDGE